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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA, Plaintiff, v. **Bulmaro MAGALLANES,** Defendant	)	Magistrate Docket No. **'08 MJ 1560** COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **May 18, 2008** within the Southern District of California, defendant, **Bulmaro MAGALLANES,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **19th** DAY OF **MAY, 2008**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Bulmaro MAGALLANES

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PROBABLE CAUSE STATEMENT

On Sunday, May 18, 2008, Border Patrol Agent R. Mcardle was conducting line watch operations near Potrero, California. At approximately 3:30 a.m., Agent Mcardle observed a group of eleven individuals walking north in an area known as Bell Valley. This area is approximately five miles east of the Tecate, California Port of Entry and approximately three hundred yards north of the United States/Mexico International Border.

Upon arriving in the area, Agent Mcardle approached the group and identified himself as a United States Border Patrol Agent. Eight of the people attempted to conceal themselves in some thick brush surrounding the trail and three of the people immediately began running away from Agent Mcardle. Agent Mcardle ran after the three and, after a brief foot pursuit, one of the people, who was later identified as the defendant **Bulmaro MAGALLANES**, tripped and fell. Agent Mcardle was able to apprehend the defendant and the other two fleeing subjects were able to cross back into Mexico. Agent Mcardle conducted a brief field interview with the defendant. During that interview, the defendant admitted to being a citizen and national of Mexico and to having entered the United States illegally by climbing under the United States/Mexico International Boundary Fence. The defendant also stated that he was not in possession of any United States immigration documents that would allow him to legally enter or remain in the United States. Agent Mcardle placed the defendant under arrest and escorted him back to the location of the rest of the group and then the Tecate Processing Center.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **February 20, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Agent Madero informed the defendant of his Miranda Rights. The defendant stated that he understood each of his rights and stated that he was willing to make a statement without the presence of an attorney. The defendant stated that he knew he had entered the United States illegally and was headed to Reno, Nevada to see his wife and daughter. The defendant stated that he was a citizen and national of Mexico illegally in the United States with no United States immigration documents that would allow him to enter or remain in the United States legally.